

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION**

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|---------------------------|---|------------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | DETENTION ORDER |
| |) | |
| vs. |) | |
| |) | |
| Fabian Whiteshield, |) | Case No. 2:07-cr-034 |
| |) | |
| Defendant. |) | |

On November 15, 2007, the Defendant made his initial appearance on a Petition for Revocation of Probation. Attorney Paul Emerson appeared on the Government's behalf and motioned for the Defendant's detention. The Federal Public Defender's office was appointed to represent the Defendant in this matter. Assistant Federal Public Defender Orell Schmitz appeared on the Defendant's behalf.

The Defendant, after being advised of his rights, informed the court that he was waiving his right to a detention hearing and preliminary hearing. The court finds his waiver was made freely and voluntarily, knowingly and intelligently, and upon advice of counsel. Further, based upon his waiver of his right to a preliminary hearing, the court finds that there is probable cause to believe that the Defendant committed the violations alleged in the petition. Accordingly, the court **ORDERS** that the Defendant be bound over to the United States District Court to answer to the charges set forth in the petition. A revocation hearing has been scheduled before Magistrate Judge Senechal on November 29, 2007, at 1:30 p.m. in Grand Forks, North Dakota.

The court **GRANTS** the Government's Motion for Detention and **FURTHER ORDERS** that the Defendant be committed to the custody of the Attorney General or his designated

representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 15th day of November, 2007.

/s/ Charles S. Miller, Jr
Charles S. Miller, Jr.
United States Magistrate Judge